

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

████████████████████
██
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Reg. No.: 2013 36636
Issue No.: 2027
Case No.: ██████████
Hearing Date: June 26, 2013
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ES and ██████████ FIM.

ISSUE

Did the Department properly reduce the Claimant's SSP (State SSI Supplemental Payments) ?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing recipient of SSP and is an ongoing SSI recipient. Claimant Exhibit A.
2. The Department reduced the Claimant's SSP benefits on February 19, 2012 due to it being informed by the Social Security Administration that the Claimant did not receive SSP payments for the first 2 months of first quarter of 2013. Exhibit 3
3. At the hearing the Department provided evidence that the Claimant did receive electronic transfers to her card for January, February and March 2013. Exhibit 4
4. The Claimant requested a hearing on February 25, 2013 protesting the reduction of her State SSI payment change.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

Additionally, Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a **recurring payment dated the first of the month.** SSPs are not issued for retroactive or supplemental federal benefits.

SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are:

January through March.

April through June.

July through September.

October through December.

BEM 660 pp.1, (11/1/12).

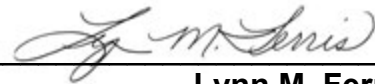
In this case the Department acknowledged that the Claimant was entitled to receive and did pay the Claimant's SSP payments for the first quarter paying by electronic funds transfer beginning March 19, 2013 with a payment of \$14 and on April 4, 2013 a payment of \$28. Based upon these facts the Department had corrected the reasons for Claimant's hearing request as the matter was fixed before the hearing and the Claimant provided proof at the hearing that she is entitled to ongoing SSI benefits from the SSA and, therefore, her SSP payments should be ongoing. Claimant Exhibit A. Based upon the facts presented, it appears that the matter giving rise to the hearing request is resolved as to the SSP benefits for the first quarter.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when.

did not act properly when it reduced the Claimant's SSP payments, however the reduction was corrected for the first quarter payments and Claimant was paid in full and therefore no issue remains to be decided and therefore the Claimant's hearing request is DISMISSED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 9, 2013

Date Mailed: July 9, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc: [REDACTED]
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